

REMARKS

The Office Action dated November 1, 2005, has been received and reviewed.

Claims 1-4, 7-11, 14-16, and 20-32 are currently pending and under consideration in the above-referenced application, each standing rejected.

Claim 8 has been canceled without prejudice or disclaimer.

Reconsideration of the above-referenced application is respectfully requested.

Claim Objections

The Office has objected to claims 4, 8, 11, and 20 under 37 C.F.R. § 1.75(c). It has been asserted that none of these claims further limits the subject matter of a previously claim.

Claim 8 has been canceled without prejudice or disclaimer, rendering the objection thereto moot.

Each of claims 4, 11, and 20 recites that spinning a substrate at a third speed comprises forming a layer of material to a desired thickness. It has been alleged that this additional recitation would be inherent. Office Action, page 3. That is not true, however, as spinning could be effected for any number of other reasons. Thus, claims 1, 11, and 20 further limit the subject matter of the claims from which they depend.

Accordingly, withdrawal of the 37 C.F.R. § 1.75(c) objections to claims 4, 8, 11, and 20 is respectfully requested.

Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-4, 7-11, 14-16, and 20-32 have been rejected under 35 U.S.C. § 112, second paragraph, because the Office alleges that the term “gradually” in independent claims 1, 7, and 14 is indefinite. While it is not agreed that the term “gradually” is indefinite for reasons that have already been explained in the above-referenced application, the term “gradually” has been removed from each of independent claims 1, 7, and 14 to broaden the scope of each of these claims.

Independent claim 1 has also been rejected for reciting “decreasing . . . to a substantially constant second speed,” then, “following decreasing, gradually increasing . . .” The recitation

“following decreasing” has been replaced with “following spinning at the second speed,” which removes any ambiguity without narrowing the scope of independent claim 1.

It is respectfully submitted that each of claims 1-4, 7-11, 14-16, and 20-32 complies with the definiteness requirement of the second paragraph of 35 U.S.C. § 112.

Withdrawal of the 35 U.S.C. § 112, second paragraph, rejections of claims 1-4, 7-11, 14-16, and 20-32 is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 7, 10, 14, and 15 stand rejected under 35 U.S.C. § 102(b) for reciting subject matter which is purportedly anticipated by that described in U.S. Patent 5,677,001 to Wang et al. (hereinafter “Wang”).

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Wang discloses a spinning process in which a prewetting agent is applied to a wafer while the wafer is spun at a first rotational speed. Rotation of the wafer is then increased to a second speed. Thereafter, as the rate at which the wafer is rotated is being changed to a third speed, photoresist is applied thereto. The photoresist is spread as the rate of rotation of the wafer is again increased to a fourth speed.

Independent claim 7 recites “spinning [a] substrate at a second speed that permits material within . . . recesses to set.” Wang lacks any express or inherent description that the prewetting agent may be located within recesses as the wafer mentioned therein is spun at a second speed, let alone that the prewetting agent is permitted to set as the wafer is spun at the second speed. Therefore, Wang does not anticipate each and every element of independent claim 7, as would be required to maintain the 35 U.S.C. § 102(b) rejection of independent claim 7.

Claim 10 is allowable, among other reasons, for depending directly from claim 7, which is allowable.

Independent claim 14 is directed to a method that includes “spinning [a] substrate at a second speed to permit at least some . . . material to flow into at least one recess formed in the substrate . . .” Wang, in contrast, neither expressly nor inherently describes that the prewetting agent can flow into a recess of a wafer as the wafer is spun at the second speed disclosed therein. As such, Wang does not anticipate each and every element of independent claim 14, as would be required to maintain the 35 U.S.C. § 102(b) rejection of independent claim 14.

Claim 15 is allowable, among other reasons, for depending directly from claim 14, which is allowable.

It is respectfully requested that the 35 U.S.C. § 102(b) rejections of claims 7, 10, 14, and 15 be withdrawn.

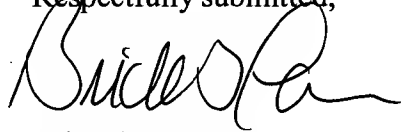
Allowable Subject Matter

The indication that claims 9, 16, 22-24, 26-28, and 30-32 are allowable is gratefully acknowledged. None of these claims has been amended to independent form since the claims from which they depend are also believed to be allowable.

CONCLUSION

It is respectfully submitted that each of claims 1-4, 7, 9-11, 14-16, and 20-32 is allowable. An early notice of the allowability of each of these claims is respectfully solicited, as is an indication that the above-referenced application has been passed for issuance. If any issues preventing allowance of the above-referenced application remain which might be resolved by way of a telephone conference, the Office is kindly invited to contact the undersigned attorney.

Respectfully submitted,



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